

6P 2881



02910.000010

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3
Kang
4403

In re Application of:)
:)
WATARU SATO, et al.)
:)
Application No.: 10/003,099)
:)
Filed: December 6, 2001)
:)
For: LASER DEVICE AND LENS)
:)
POSITION ADJUSTMENT)
:)
METHOD IN THE LASER)
:)
DEVICE)

Examiner: D. Nguyen

Group Art Unit: 2881

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on

3/25/03

(Date of Deposit)

Andrew D. Mickelsen, Reg. No. 68,957

Name of Attorney for Applicant

Andrew D. Mickelsen

Signature

3/25/03

Date of Signature

March 25, 2003

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated February 25, 2003 (Paper

No. 4), Applicants hereby elect to prosecute the Group I claims, namely Claims 1 to 9, 12 to 23, 26 to 29 and 32 to 36. The election, however, is made with traverse.

Traversal is on the grounds that the criteria necessary for a proper Restriction Requirement have not been met. MPEP § 808 indicates that a requirement to restrict between claimed inventions must provide both reasons why the claimed inventions are distinct as well as reasons for insisting upon restriction between the inventions. While the Office Action contended that the claimed inventions have different classifications, which might constitute a reason for insisting upon restriction, Applicants respectfully submit that the initial burden of showing why the claimed inventions are distinct has not been met.

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The claimed inventions of a laser device, a laser scanning device and an image forming apparatus are believed to be related inventions having common characteristics. MPEP § 806.05(c) to § 806.05(i) provide various criteria that must be met in order to show that related inventions are in fact distinct. The Office Action's conclusive statement that the inventions are distinct is not understood to provide a statement setting forth reasons why any of the criteria provided in these sections have been met. Nor is it believed that such a statement can be made for the claimed inventions.

For the foregoing reasons, Applicants respectfully submit that the initial burden of showing reasons why the claimed inventions are distinct has not been met. Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants

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